S.B. Civil Second Appeal NO.269/2005
Laxman Das
Vs
Devjimal & Ors.

DATE OF ORDER : - 8.8.2005

HON'BLE MR. PRAKASH TATIA,J.

Mr.Rajendra Mehta, for the appellant.
Mr.C.P. Soni, for the respondents.

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Heard learned counsel for the parties.

The two courts below concurrently found the personal bonafide necessity of the plaintiff and passed the decree for eviction of the tenant. I do not find any substantial questions of law in this appeal. Hence, the appeal of the appellant deserves to be dismissed, hence, dismissed.

Learned counsel for the appellant at this stage, prayed that a reasonable time of two years may be granted to the appellant-tenant to vacate the suit premises as he is old tenant in the suit premises. Learned counsel for the respondent-landlord submits that the landlord is 80 years old and since the tenant remained in possession for such a long period and the suit was filed almost about 12 years ago. Therefore,

no time be granted.

Looking to the facts of the case, it will be just and proper to allow the appellant to occupy the suit premises till 31st August, 2006 provided the appellant furnishes a written undertaking within a period of one month from today before the trial court that the appellant shall not part with possession of the suit property nor sub-let the property during this period and shall hand over the vacant possession of the suit property to the landlord by or before 1st Sept., 2006 and shall further pay all the arrears of rent and decretal amount to the landlord within a period of two months from today and further shall pay rent month by month to the landlord or shall deposit the rent in the court by 15th day of each succeeding month of his tenancy. In case of non-compliance and default,the decree shall become executable forthwith.

(Prakash Tatia), J.

c.p.goyal/-